

Remarks

This Amendment is being filed concurrently with a Request for Continued Examination ("RCE"). The instant Amendment, which is filed in response to the final Office Action mailed December 8, 2008, and to the Advisory Action and Notice Of Non-Compliant Amendment mailed April 15, 2009, replaces the Amendment Under 37 CFR § 1.116 filed March 26, 2009. Reconsideration and allowance of this application, as amended, are respectfully requested.

The written description portion of the specification and certain claims have been editorially amended as required by the examiner. Claims 1 and 6 have been editorially amended for improved readability. Claims 1, 4-9, and 11 remain pending in the application, with claims 6-9 and 11 withdrawn from consideration as being directed to a constructively non-elected invention. Claims 1 and 6 are independent. The objection and the rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments. Entry of each of the amendments is respectfully requested.

Specification pages 3/7 and 6/7 have been editorially amended to delete text as required by the examiner. Nonetheless, Applicant respectfully traverses the examiner's objection to the disclosure. The generic text that was added to the written description portion of the specification in Applicant's Amendment

filed November 5, 2008, simply does not constitute new matter as defined under 35 U.S.C. § 132 or as interpreted in the examination guidelines at, e.g., MPEP § 608.04 ("New Matter") or MPEP § 2163.06 ("Relationship of Written Description Requirement to New Matter"). For example, MPEP § 2163.06 states that "an issue of new matter will arise if the content of the amendment is not described in the application as filed."

In fact, in the instant case, the text that was added simply refers in a general manner to the original disclosure. The text was added to this European-origin application in order to provide a specification that more fully comports with a typical specification prepared under U.S. practice. The statements that were added, such as, for example, "[f]urther scope of applicability of the present invention will become apparent from the detailed description given hereinafter" and "[s]uch variations are not to be regarded as a departure from the spirit and scope of the invention, and all such modifications as would be recognized by one skilled in the art are intended to be included within the scope of the following claims" are commonplace in U.S. practice, and therefore simply do not constitute new matter.

The claim status identifiers of claims 6-9 and 11 have been changed as required by the examiner. Nonetheless, Applicant also respectfully traverses the imposition of the restriction requirement, especially at the present stage of prosecution. The examiner now classifies instant claims 6-9 and 11 as being drawn to

an apparatus. See original claim 6, which ostensibly defines a "process" but which in fact includes *no process steps* and instead defines an apparatus that includes devices and "means for" elements. As stated in Applicant's November 5 Amendment, claim 6 was amended to comply with U.S. practice, i.e., "to define a *machine* that performs the process defined by instant claim 1."

Furthermore, contrary to the assertions at instant Office Action pages 4 and 5, the inventions listed by the examiner as Groups I and II in fact *do* relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they *do* possess the same or corresponding special technical features. In fact, in imposing the restriction, the examiner is relying upon the same logic employed in the rejections based on Dellbrügge (see below). For all of the reasons articulated below in response to the rejections under § 102(b) and § 103(a), Applicant's claimed elements are *not* known in the prior art. Therefore, since there is a special technical feature as described in PCT Rule 13.2, imposition of the restriction requirement is unwarranted.

35 U.S.C. § 102(b) – Dellbrügge

Claims 1 and 4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by DE 19501668 to Dellbrügge.

The rejection of claims 1 and 4 under § 102(b) based on Dellbrügge is respectfully traversed. For at least the reasons

stated in Applicant's Amendment filed November 5, 2008, and the following reasons, the disclosure of Dellbrügge does not anticipate Applicant's claimed invention.

Dellbrügge's process is different from Applicant's claimed process. Dellbrügge discloses a process for the preparation of sheets. The extruded film tube (10), the outer circumference of which exhibits a sticky film layer, is transported through a flat laying device (not shown in Figure 1). Then, the film tube is cut into two different film webs (10' 10"). First, one of the film webs (10') is transported through the reversing device according to Figures 2 and 3 and is thereby turned at 180° (column 3, lines 25-26). Then, the sticky side of the reversed film web (10') is laid on the non-sticky side of film web (10"), and both film webs (10', 10") are transported through a second reversing device (30, 32, 34, 36) (column 3, lines 26-29). So, in Dellbrügge's process, the interior surfaces of the film tube *do not contact each other* after the flattening of the film tube. And, disadvantageously, the film webs (10', 10") traverse a different long path having different lengths until they meet each other again.

That is not Applicant's claimed process. Claim 1 defines a process that includes placing the surfaces that had formed an interior surface of the film tube *into contact* with each other. See the disclosure at specification page 3/7, first paragraph.

Furthermore, the examiner asserts that according to Dellbrügge, "the interior surfaces come into indirect contact with each other" (Office Action page 4). The point of the examiner's assertion is unclear to Applicant. Applicant's claim 1 requires the step of "performing a reversing operation such that parts of surfaces of at least one of the sheets come into contact, the surfaces that come into contact with each other being those that formed an interior surface of the film tube." However, according to Dellbrügge, the two *relevant* surfaces do not have any contact with each other.

Therefore, a summary of some of the differences between Dellbrügge's process and Applicant's claimed process is as follows:

1. Dellbrügge discloses a film tube whose outer circumference has a sticky film layer. Applicant processes a film tube in which the interior film layer is sticky.

2. Dellbrügge discloses putting the sticky side of the reversed film web (10') onto the non-sticky side of film web (10"). Applicant puts both sticky sides of the film web onto each other.

3. According to Dellbrügge, both film webs (10', 10") are transported through a second reversing device (30, 32, 34, 36). Applicant's claimed process needs only one reversing step. Hence, the film web paths are advantageously shorter with Applicant's process.

Since Dellbrügge does not meet each feature of the claimed invention, Dellbrügge does not anticipate the invention

defined by Applicant's claim 1. Claim 4 is allowable because it depends from claim 1, and for the subject matter recited therein.

35 U.S.C. § 103 (a) - Hoene and Dellbrügge

Claims 1, 4, and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Pub. No. 2002/0048617 of Hoene et al. (hereinafter "Hoene") in view of Dellbrügge.

The rejection of claims 1, 4, and 5 under § 103(a) based on Hoene and Dellbrügge is respectfully traversed. For at least the following reasons, the combined disclosures of Hoene and Dellbrügge would not have rendered obvious Applicant's claimed invention.

First, the combined disclosures of Hoene and Dellbrügge do not teach all of Applicant's claimed features. Hoene discloses a lay-flat and removal device for a plastic tube film web produced by means of a film blowing head (page 1, paragraph 0001). The film web is laid flat by a flat laying device by contacting the interior surfaces of the web with each other (see Figure 1). But, contrary to Applicant's claimed process, Hoene fails to disclose processing a film tube having a sticky interior film layer. Additionally, Hoene discloses no cutting device for cutting the film tube before it is laid flat.

So, a person having ordinary skill in the art - with the task of producing film webs having one sticky layer - would never take the teaching of Hoene into account, because Hoene does not

disclose such sticky film layers. And, the disclosure of Dellbrügge is inadequate for all of the reasons explained above in response to the rejection under § 102(b).

Second, there is simply no teaching in either of the references that would have led one to select the references and combine them in a way that would produce the embodiment of the invention defined by Applicant's claim 1.

Accordingly, the combined disclosures of Hoene and Dellbrügge would not have rendered obvious the invention defined by Applicant's claim 1. Claims 4 and 5 are allowable because they depend from claim 1, and for the subject matter recited therein.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that an interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

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